

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	CRIMINAL ACTION NO.
MICHAEL ROBATEAU,	)	04-10382-NG
	)	
Defendant.	)	

GOVERNMENT'S MOTION FOR SCHEDULING CONFERENCE  
AND MOTION FOR ORDER OF EXCLUDABLE DELAY  
FROM JANUARY 24, 2007 UNTIL SCHEDULING CONFERENCE

Now comes the United States of America, by and through the undersigned counsel, and submits herewith its motion for a scheduling conference in the above-captioned matter and for an order of excludable delay from January 24, 2007 until the date of the scheduling conference. In support of its motion, the government sets forth the following:

1. On January 24, 2007, the parties appeared for a final status conference before Magistrate Judge Judith G. Dein and reported that they were continuing to discuss the possibility of resolving the criminal charge in this case without recourse to a trial; that they needed additional time to determine if this matter could be resolved without a trial; that there was no other reason for maintaining the matter before Magistrate Judge Dein; that there was no reason not to report this matter to the District Court either for a change of plea or for a trial date; and that the parties would continue to explore a resolution of the matter while awaiting an appearance before the District Court.

2. Magistrate Judge Dein did report this matter to the District Court in a Final Status Report docketed on January 24, 2007. To date, the parties have agreed to the issuance of, and Magistrate Judge Dein issued, orders of excludable delay covering the period from the defendant's arraignment on August 22, 2006 through January 24, 2007.

3. The District Court has taken no action on this matter since it was referred to the District Court by Magistrate Judge Dein.

4. The government now moves that the District Court hold a scheduling conference in this matter in the near future. The government further requests that such a conference be scheduled before April 4, 2007, on which date the undersigned Assistant U.S. Attorney (the only federal prosecutor who has handled this case since the indictment was unsealed) is scheduled to undergo surgery which will require his absence from work for a period of recuperation thereafter.

5. The government further moves that the Court enter an order excluding for purposes of the Speedy Trial Act the period of time from January 24, 2007 until the scheduling conference before this Court pursuant to 18 U.S.C. § 3161(h)(8)(A) on the grounds that the ends of justice served by allowing the defendant time to determine if he should enter a change of plea rather than proceed to trial outweigh the best interest of the public and the defendant

in a speedy trial.

Respectfully submitted,

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

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Dated: March 12, 2007

**CERTIFICATE OF SERVICE**

I, Patrick Hamilton, do hereby certify that a copy of the foregoing was served this date on counsel of record for the defendant via electronic filing.

Date: March 12, 2007

s/Patrick Hamilton/  
Patrick M. Hamilton